

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: November 17, 2004

By: Sharyl Brown  
Sharyl Brown

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: BEAT HEAB

APPLICATION NO.: 10/014,742

FILED: OCTOBER 30, 2001

FOR: **METHOD FOR FAST COMPILE OF  
PREVERIFIED JAVA TM BYTECODE TO HIGH  
QUALITY NATIVE MACHINE CODE**

EXAMINER: H. A. NGUYEN-BA

ART UNIT: 2122

### Information Disclosure Statement After First Office Action but Before Final Action or Notice of Allowance – 37 C.F.R. § 1.97(e)

Mail Stop Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

The information transmitted herewith is being filed after three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but before the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

Copies of the following references are enclosed:

- All cited references
- References marked by asterisks
- The following:

- Copies of the following references can be found in parent U.S. Application No.:
  - All cited references
  - References marked by asterisks
  - The following:
- This application was filed after 30 June 2003 and no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).
- The following references are not in English. For each such reference, the undersigned has enclosed: (i) a translation of the reference; (ii) a copy of a communication from a foreign patent office or International Searching Authority citing the reference; (iii) a copy of a reference which appears to be an English-language counterpart; or (iv) an English-language abstract for the reference prepared by a third party. Applicant has not verified that the translation, English-language counterpart or third-party abstract is an accurate representation of the teachings of the non-English reference, though, and reserves the right to demonstrate otherwise.
  - All cited references
  - References marked by ampersands
  - The following:

3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment (37 C.F.R. § 1.97(c)) or Certification (37 C.F.R. § 1.97(e))

- Applicant elects to pay the fee under 37 C.F.R. § 1.17(p) \$180.00.
  - Check enclosed for \$ .
  - Please charge the above fee(s) to Deposit Account No. 50-2207 this paper is provided in duplicate.

- Applicant submits that no fee is due in light of the following certification under 37 C.F.R. § 1.97(e) (check only one):
  - In accordance with 37 C.F.R. § 1.97(e)(1), the undersigned hereby states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to this filing of this statement; or
  - In accordance with 37 C.F.R. § 1.97(e)(2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.
- Please charge any underpayment for timely filing of this paper to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 C.F.R. § 1.704(d))

- The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,  
Perkins Coie LLP



---

Brian R. Coleman  
Registration No. 39,145

Date: November 17, 2004

**Correspondence Address:**

Customer No. 22918  
Perkins Coie LLP  
P.O. Box 2168  
Menlo Park, California 94026  
(650) 838-4300

INFORMATION DISCLOSURE STATEMENT BY APPLICANT				COMPLETE IF KNOWN	
				Application Number	10/014,742
				Confirmation Number	5753
NOV 22 2004				Filing Date	October 30, 2001
ATTN: TRADEMA				First Named Inventor	Beat Heab
R & TRADEMA				Group Art Unit	2122
R & TRADEMA				Examiner Name	H.A. Nguyen-Ba
Sheet	1	of	1	Attorney Docket No.	59296-8002.US01

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

#### OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS

OTHER RICHER NON-PRINTED WORK DOCUMENTS		
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.
		Alpern et al., "The Jalapeño Virtual Machine," IBM Systems Journal, Vol. 39, No. 1, 2000, pp. 211-238.

\*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and

**\*EXAMINER:** Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).